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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIALS
SHOULD BE SEALED**

CIVIL L.R. 7-11 and 79-5(f)

Judge: Hon. Vince Chhabria
Special Master Daniel Garrie
Courtroom: 4, 17th Floor

Pursuant to Civil Local Rules 7-11 and 79-5(f) and the Stipulated Protective Order entered by the Court on August 17, 2018 (ECF No. 122), Plaintiffs submit this Administrative Motion to Consider Whether Another Party's Materials Should Be Sealed. The materials under consideration are the full transcripts of all depositions of Simon Cross, as well as the depositions of David Miller and Michael Fahey, that were taken in this case, which the Court ordered Plaintiffs to file. ECF No. 1066. This administrative motion is a more targeted motion of the filing submitted on October 18, 2022 (ECF No. 1067), as contemplated by the Court's prior order, ECF No. 1066.

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
1	Full 30(b)(6) Deposition Transcript of Simon Cross (May 9, 2022)	26:15–21 29:8–14 43:18–23 50:10–16 56:13 56:16 56:20 56:24 57:16–21 60:7–16 62:15–63:3 74:6–11 76:3–11 77:10–78:20 78:22–79:3 80:5–81:3 81:19–82:1 93:13–18 94:9–19 95:10–25 96:10–21 96:24–97:1 100:5–9 113:18–21 116:18 117:4–6 117:10–16 117:19–118:8 118:15–18 119:9–12 120:18 126:8–12	Pursuant to the Stipulated Protective Order (Dkt. 122), Defendant designated portions as Confidential Information; Defendant to provide evidence, per Local Rule 79-5(f)

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
		128:9–15 128:25–129:1 129:17–130:11 130:18–20 131:2–9 132:4–9 132:16–25 136:5–7 170:9–10 170:13 170:16 170:20 174:15–21 177:8 183:9–15	
2	Full 30(b)(6) Deposition Transcript of Simon Cross (May 12, 2022)	224:22–225:21 225:24–226:22 237:20–24 238:3–239:10 246:15–25 247:13–20 249:7–20 249:25–250:1 250:5–8 252:11–21 253:6–7 254:15–18 255:2–6 255:24–256:1 266:11–20 268:2–3 268:20–24 269:2–6 270:1–3 273:5–8 273:14–16 274:19–275:4 277:8–19 281:23–282:8 296:13–15 296:19–21 296:25–297:13 300:23–301:16 302:1–3	Pursuant to the Stipulated Protective Order (Dkt. 122), Defendant designated portions as “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” Information; Defendant to provide evidence, per Local Rule 79-5(f)

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
		303:6–11 303:23–304:6 305:15–18 305:23–306:6 308:22–24 310:6–14 312:8–9 314:17–21 315:3–6 315:12–16 315:21–25 318:4 319:20–24 322:8–11 329:1–5 333:9–19 334:16–23 338:6–11 338:25–339:2 339:10–12 342:8–14 343:13–15 344:17–24 353:5–13 355:5–15 357:4–13 358:3–13 358:24–359:4 360:16 365:25–366:2 369:7–15 369:18–19 370:12–14 Errata at entries 1, 2, 3, 4, 5, 6, 7.	
3	Full 30(b)(6) Deposition Transcript of Simon Cross (June 6, 2022)	545:20–548:13 550:13–17 558:21–560:9 560:23–567:5 568:2–569:9 570:4–573:1 573:9–574:3 576:15–577:21 579:16–580:16	Pursuant to the Stipulated Protective Order (Dkt. 122), Defendant designated portions as “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” Information;

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
		583:1–12 584:11–24 585:21–586:15 586:23–587:10 587:15–588:5 588:22–23 589:1–590:18 590:20–591:3 601:23–602:8 604:1–605:24 606:7–609:21 609:24–610:2 611:1–612:1 616:18–618:13 619:5–15 620:16–621:16 622:9–626:7 627:11–632:3 637:14–638:11 639:22–640:12 642:6–644:4 645:20–653:10 653:24–657:6 657:21–659:6 660:11–19 661:5–11 663:3–25 664:18–666:15 666:20–667:3 667:9–23 668:16–19 670:2–671:24 672:23–676:11 676:15–678:1 678:13–680:11 680:18–681:24 683:6–684:8 685:3–14 687:17–688:23 689:7–691:4 691:5–12 692:2–23 695:17–23 697:7–699:10 700:1–19	Defendant to provide evidence, per Local Rule 79-5(f)

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
		701:1–704:13 709:4–13 710:25–714:18 716:1–718:18 Errata at entries 13, 14, 15, 19, 20, 22, 23.	
4	Full 30(b)(6) Deposition Transcript of Simon Cross (June 20, 2022)	748:14–16 748:25–749:8 752:13–23 754:24–756:4 787:24–791:7 792:3–19 793:10–799:20 834:14–836:17 841:13–845:10 846:5–848:6 850:5–866:23 869:8–870:5 871:14–873:1 873:17–883:17 884:19–886:10 887:4–23 888:2–897:19 905:1–25 909:20–911:25 914:4–916:4 943:1–945:7 946:24–964:14 965:17–980:20 Errata at entries 7, 10, 11, 12, 14, 16, 17, 18, 20, 21, 24, 25.	Pursuant to the Stipulated Protective Order (Dkt. 122), Defendant designated portions as “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” Information; Defendant to provide evidence, per Local Rule 79-5(f)
5	Full 30(b)(6) Deposition Transcript of Simon Cross (June 21, 2022)	1000:3–1002:11 1002:16–1004:15 1004:19–1007:4 1007:11–18 1008:17–1028:24 1030:6–1040:13 1040:14–1046:8 1046:19–1074:23 1075:4–1096:25 1103:11–1106:25	Pursuant to the Stipulated Protective Order (Dkt. 122), Defendant designated portions as “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” Information;

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
		1008:5–1110:22 1111:12–1114:9 1114:19–25 1116:14–1132:10 1132:15–1135:11 1135:24–1137:6 1147:14–1150:19 1152:4–1155:20 1158:5–24 1167:16–1169:18 1172:1–1174:1 1185:18–1193:8 1196:18–1197:10 1204:6–1205:9 1206:12–1207:4 Errata at entries 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33.	Defendant to provide evidence, per Local Rule 79-5(f)
6	Full 30(b)(6) Deposition Transcript of David Miller (July 22, 2022)	33:14–24 34:1–35:9 35:11–35:21 36:4–37:10 37:12–38:1 38:4–39:1 41:8–15 42:23–25 47:23–49:23 55:19–56:5 60:12–17 63:18–64:13 68:25–69:2 69:5–9 69:12–19 69:21–70:2 70:18–25 72:20–73:2 73:17–21 75:24–76:8 81:3–9 81:17–25 88:25–89:23 113:20–24	Pursuant to the Stipulated Protective Order (Dkt. 122), Defendant designated portions as “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” Information; Defendant to provide evidence, per Local Rule 79-5(f)

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
		114:23–118:4 Errata at entries 7, 10, 16, 17, 22.	
7	Full 30(b)(6) Deposition Transcript of Michael Fahey (July 21, 2022)	23:4, 22–25 24:1–8, 21–25 25:1–13 26:24–25 27:1–25 28:1–7 28:25 29:1–25 30:1–17 31:2–11, 18–19, 21–25 32:1–3, 5–7, 12–21, 25 33:1–5, 8, 10–25 34:1–4, 8–15, 17–21, 24–25 35:1–16, 18–25 36:1–7, 10–15, 19, 25 37:1–3, 11–15, 17–25 38:1–14, 26–22 39:4–6, 10–16 40:1–3 41:12–13, 16–17 46:2–25 47:1–6, 8–17, 20–25 48:1–10, 17–20, 22–25 49:1–2, 5–6, 12–14, 17–24 50:4–8, 15–24 51:1–2, 3–9, 11–20, 24 52:1–3, 9–10, 17, 19–21 53:2–4, 14 54:11, 14, 17–25 55:1–17 56:16–24 57:1–25 58:1–2, 5, 7–8, 10, 15–20 59:1–14, 16–17 60:1–4, 24–25 61:1–6, 18–25 62:1–11, 13–21, 23–25 63:1–4, 9–12 64:2–4, 6–17, 19–21, 23 65:2–7, 10–11, 21–25 66:1–10, 12–25	Pursuant to the Stipulated Protective Order (Dkt. 122), Defendant designated portions as “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” Information; Defendant to provide evidence, per Local Rule 79-5(f)

	Documents	Portions Sought to be Sealed	Evidence Offered in Support of Sealing
		67:1, 3–5, 15–25 68:1–11, 21–22, 24–25 69:1–4, 9–15, 17, 20–25 70:1–5, 17–25 71:1–20, 23 72:1–4, 7–18, 73:3–14, 22–25 74:1–13, 15–16, 21–25 75:1–7, 10–19, 21–22, 24–25 76:1–4, 23–25 77:1, 4, 25 78:12–15 79:8–10, 12–13, 22–25 80:11–13, 18–25 81:3–6, 8–13, 16–22, 24 82:9–13, 16–24 83:1–5 84:25 85:1–2, 5–7, 9–21 86:1–9, 11–13, 16–25 87:1, 3–6, 8–16, 23–25 88:16–22 90:15–17, 20–25 91:1–8 93:15–22 97:11–17 98:1–2, 13–16, 19–25 99:1–3, 7–25 100:1–22 103:9–13, 15–25 Errata at entries 3, 4, 5, 6, 7, 8. Certain words on pages 4, 9, 10, 20, and 23 of the index.	

Because the above documents contain, reference, or summarize materials designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order entered in this action, Plaintiffs file the documents provisionally under seal. Pursuant to Local Rule 79-5(f)(3), Defendant, as the Designating Party, bears the responsibility to establish that its

designated materials are sealable.

Dated: October 28, 2022

Respectfully submitted,

KELLER ROHRBACK L.L.P.

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Derek W. Loeser

By: /s/ Lesley E. Weaver
Lesley E. Weaver

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of October, 2022, at Philadelphia, Pennsylvania.

/s/ Lesley E. Weaver

Lesley E. Weaver

CERTIFICATE OF SERVICE

I, Julie Law, hereby certify that on October 28, 2022, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Julie Law

Julie Law